

REMARKS

In response to Applicant's amendments, the examiner stated:

The amendment filed 12/9/09 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "circuitry to render the graphical user interface."

Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The "circuitry to render the graphical user interface" is not supported by the specification.

Applicant disagrees. "Circuitry to render the graphical user interface" is supported *per se* by the disclosure which calls for: "The system 10 also includes a plurality of clients 30a 30c implemented by terminals or, preferably, personal computers. ... client 30c includes a client computer system 32 including ... The requesting client 30c displays a summary of the fares and results 39 on the monitor 40."¹ A person skilled in this art would understand and recognized in Applicant's disclosure that monitor 40 includes circuitry and specifically circuitry to render the graphical user interface.

Apparently the examiner contends that computer monitors do not include "circuitry." Applicant respectfully requests therefore that the examiner provide documentary evidence that supports the examiner's contention that computer monitors or displays do not include circuitry.

Secondly, the examiner apparently argues that to support the written description requirement that literal support for conventional features must be found in the application. Applicant respectfully requests therefore that the examiner provide authority for the examiner's contention that the written description requirement requires Applicants to describe conventional, well-known features such as circuitry being part of the described computer monitors.

The examiner also apparent argues that one skilled in the art of computers would not have recognized from Applicant's specification that computer monitors that display graphical

¹ Spec. p.4, lines 6, 15-16; p.5, lines 3-4.

user interfaces comprise "circuitry to render the user interfaces." Accordingly, the examiner is asked to furnish legal authority for the proposition that the specification is not written to one skilled in the art and also provide written documentation that the skilled person would not have recognized from Applicant's specification that computer monitor recited in Applicant's specification comprises circuitry.

Moreover, Applicant also request that the examiner furnish authority for the contention that *ipsis verbis* agreement between the specification and the claims is required to support the written description requirement.

Applicant submits therefore that unless the examiner can furnish the requested authority and documentation to support the rejection, the rejection is improper and should be removed.

35 U.S.C. 5 102

The examiner rejected claims 1-14 under 35 U.S.C. 102(b) as being anticipated by Kirk et. The examiner stated:

Kirk et al ('578) discloses a circuitry, see figure 1 (105) capable of rendering a user interface. Claims directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function. In re Danly 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1 987).

The structural limitations of claims 1-14, including "circuitry to render" are disclosed by Kirk et al ('578).

Claim 1, as presented, distinguishes over Kirk. Claim 1 is directed to a monitor device rendering a user graphical interface for a fare rule summary tool. The monitor device of claim 1 renders the graphical user interface, which includes "a fare evaluation result table that displays fare rule summaries for fares in slices of an itinerary, the fare evaluation result table having a first one of rows and columns representing fares and a second one of rows and columns representing the fare rule summaries with fares comprising an origin, a destination and a carrier, with each one of the fares being represented by a corresponding fare code in one of the first one

of the rows and columns, and with a price associated with the fare displayed a second one of the first one of the rows and columns.” The claimed monitor therefore is structurally different from the features disclosed by Kirk.

The claim requires a ... fare evaluation result table having a first one of rows and columns representing fares and a second one of rows and columns representing the fare rule summaries with fares comprising an origin, a destination and a carrier, with each one of the fares being represented by a corresponding fare code in one of the first one of the rows and columns, and with a price associated with the fare displayed a second one of the first one of the rows and columns. To the extent that Kirk can be properly construed to cover a fare rule summary tool, Kirk does not teach to display “fares comprising an origin, a destination and a carrier, with each one of the fares being represented by a corresponding fare code in one of the first one of the rows and columns, and with a price associated with the fare .

The examiner also rejected Claims 28-31 under 35 U.S.C. 102(b) as being anticipated by Tanner (WO 01159590).

The examiner stated:

Tanner (590) discloses:
rendering a fare evaluation result table that displays fare rule summaries for fares in slices of an itinerary, the fare evaluation table having a first one of rows and columns representing fares and a second one of rows and columns representing the fare rule summaries with fares comprising an origin, a destination and a carrier, with each one of the fares being represented by a corresponding fare code, see Figures 8A-B and 4A-B (QBNRHX QBNRHX) in of the first one of the rows and columns and with a price, see (S61 2) associated with the fare displayed in a second of the first one of the rows and columns.

Claim 28 directed to a computer-implemented method for providing a fare rule summary tool as a user interface includes the feature of: “rendering by a computer on the monitor a fare evaluation result table that shows fare rule summaries for fares in slices of an itinerary, the fare evaluation result table having a first one of rows and columns representing fares and a second one of rows and columns representing the fare rule summaries with fares comprising an origin, a destination and a carrier, with each one of the fares being represented by a corresponding fare

code in one of the first one of the rows and columns, and with a price associated with the fare displayed a second one of the first one of the rows and columns.

Fanner does not teach “rendering by a computer ... fare rule summaries for fares in slices of an itinerary, the ... table having a first one of rows and columns representing fares and a second one of rows and columns representing the fare rule summaries with fares comprising an origin, a destination and a carrier, with each one of the fares ... represented by a corresponding fare code ... and with a price associated with the fare displayed a second one of the first one of the rows and columns.”

[illegible][illegible]

FIG. 8AFIG. 8B

Figs. 4A-B and 8A-B of Tanner are reproduced above. In addition to not actually depicting what is claimed in claim 28 Tanner also does not describe what is claimed in claim 28. For example, Tanner describes: “Figure 8 illustrates a separate contract management system that

allows an agent or wholesaler to maintain their specific net fare airline contracts and their attendant restrictions and conditions." No mention is made of any feature of claim 28. Similarly Tanner describes: "The system lists specific rules for each selected flight as shown in Figure 4." However, what is missing in Tanner is the feature of the fare, as now claimed, "fares comprising an origin, a destination and a carrier." In particular Tanner does not suggest the combination of "fares comprising an origin, a destination and a carrier, with each one of the fares being represented by a corresponding fare code in one of the first one of the rows and columns, and with a price associated with the fare displayed a second one of the first one of the rows and columns." Accordingly Claims 28-31 are allowable over Tanner.

Allowable Subject Matter

The examiner kindly indicated that Claims 32-35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 102 and to include all of the limitations of the base claim and any intervening claims as they contain the language of the claims indicated allowable by the Board of Patent Appeals and Interferences. The examiner also indicated that Claims 15-27, 36-39 were allowable.

Applicant believes that in view of the above that all of the claims are allowable.

The examiner furnished the following statement of reasons for the indication of allowable subject matter:

As per Claims 15 and 36.

As per Decision by the Board of Patent Appeals and Interferences 411 0109, the prior art of record does not disclose or fairly teach: "evaluating the retrieved fares against the retrieved rules and returning a status corresponding to pass, fail or defer."

As per Claim 19.

As per Decision by the Board of Patent Appeals and Interferences 411 0109, the prior art of record does not disclose or fairly teach: "populate a summary table of fares and corresponding evaluations for each fare rule category, each evaluation having a status." of a fare rules summary.

Applicant does not necessarily disagree with these statements but contends that these claims may be allowable for other reasons.

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The fee for the Petition for Extension of Time is being paid concurrently on the electronic filing system by way of deposit account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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